



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Jacques DUMAS et al. :
Serial No.: 09/776,935 : Group Art Unit: 1617
Filed: December 22, 1998 : Examiner: Bahar, M.
For: INHIBITION OF p38 KINASE USING ARYL AND HETEROARYL
SUBSTITUTED HETEROCYCLIC UREAS

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on November 18, 2003, please consider the following remarks.

REMARKS

The Rejection Under 35 USC § 103

All pending claims were rejected over Regan, US 6,080,763, as allegedly obvious.
US 6,080,763 has a priority date of November 3, 1997.

Attached is a Declaration under 37 CFR § 1.131, wherein, William Scott, an inventor of the subject matter of claims 1-30 declares that the invention of the subject matter of the currently pending claims was reduced to practice before the priority date of the '763 patent, such that it is no longer a valid reference under 35 U.S.C. § 103.

Additionally, the subject matter of pending claims is not obvious over this reference and is patentably distinct from the subject matter claimed therein. The disclosure of compounds in the reference is very broad without guidance toward the selection of groups corresponding to A and B which is necessary to arrive at the compounds of formula I. For example, the definition within the reference of R⁵ alone, which corresponds to group B of the present invention, spans across from column 8, line 46 to column 10, line 4. Even in more preferred aspects of the description therein, the definition of this group is still about a column in length in each case, see for example, column 13, line 8 to column 14, line 9, column 16,